

ORIGINAL

Approved: _____

ALEXANDER LI

Assistant United States Attorney

Before: HONORABLE JAMES L. COTT
 United States Magistrate Judge
 Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of 18
	:	U.S.C. §§ 875, 878,
ENRIQUE FIGUEROA,	:	and 2
	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	NEW YORK
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SOUTHERN DISTRICT OF NEW YORK, ss.:

MARISSA MANDALA, being duly sworn, deposes and says that she is a Special Agent with the United States Secret Service ("USSS") and a Task Force Officer with the Federal Bureau of Investigation ("FBI") assigned to the New York Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE

(Interstate Threats)

1. From at least in or about August 2021 up to and including in or about September 2021, in the Southern District of New York and elsewhere, ENRIQUE FIGUEROA, the defendant, knowingly and intentionally transmitted in interstate and foreign commerce a communication containing a threat to kidnap and injure the person of another, to wit, FIGUEROA posted on the Internet threats to kidnap, kill, and injure the president of a foreign government ("Individual-1").

(Title 18, United States Code, Sections 875(c) and 2.)

COUNT TWO

(Threats Against a Foreign Official)

2. In or about September 2021, in the Southern District of New York and elsewhere, ENRIQUE FIGUEROA, the defendant, knowingly

and willfully threatened to: (i) assault, strike, wound, imprison, and offer violence to a foreign official and internationally protected person, make a violent attack upon the person and liberty of such person, and, under circumstances likely to endanger the person and liberty of such person, to make a violent attack upon the official premises, private accommodation, and means of transport of such person, in violation of Title 18, United States Code, Section 112(a); (ii) kill a foreign official and internationally protected person, in violation of Title 18, United States Code, Section 1116(a); and (iii) unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward or otherwise a foreign official and internationally protected person, in violation of Title 18, United States Code, Section 1201(a)(4), to wit, FIGUEROA posted on the Internet threats to kidnap, kill, and injure Individual-1, who was then in the United States.

(Title 18, United States Code, Sections 878(a) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the USSS and a Task Force Officer with the FBI assigned to the JTTF. I have been personally involved in the investigation of this matter. This affidavit is based on my conversations with law enforcement officers and other people, my review of photographs and videos, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

4. As set forth in greater detail below, since at least in or about August 2021, ENRIQUE FIGUEROA, the defendant, has posted on the Internet threats to kidnap, kill, and injure Individual-1, who is the president of the government of a foreign country ("Country-1"). FIGUEROA's posts included a photograph of a military-style assault rifle. On or about September 11, 2021, FIGUEROA attempted to fly from New York City to Country-1 but was denied boarding due to an expired passport. In a subsequent interview with law enforcement, on or about September 17, 2021, law enforcement warned FIGUEROA that his posts were threatening. FIGUEROA nevertheless continued to post threats to harm

Individual-1, including as recently as September 18, 2021, after Individual-1 had arrived in New York City in connection with proceedings of the United Nations General Assembly. Also on or about September 18, 2021, FIGUEROA posted a photograph of Individual-1's motorcade in New York City.

FIGUEROA Threatens Individual-1
Over Facebook and Instagram

5. Based on my participation in this investigation, including my conversations with other law enforcement officers and other people; my review of photographs and videos; law enforcement interviews of ENRIQUE FIGUEROA, the defendant; and my review of open-source materials, reports, and records, I have learned the following, in substance and in part:

a. On or about August 22, 2021, FIGUEROA, using a Facebook account bearing the profile name "Enrique Figueroa" (the Figueroa Facebook Account"), posted a Spanish-language video depicting a person whom I recognize from a prior arrest photograph as FIGUEROA. Based on a draft translation of the video, I know that FIGUEROA stated, in substance and in part, that (i) Individual-1 had betrayed FIGUEROA; (ii) if anything happened to one of FIGUEROA's people, FIGUEROA would take three people, including innocent people; (iii) FIGUEROA could send people to Country-1; and (iv) listeners should remember what happened to the president of Haiti. Based on my review of public source records, I know that the president of Haiti was assassinated on or about July 7, 2021.

b. In or about early September 2021, Country-1 authorities provided U.S. authorities a screenshot of a post by FIGUEROA, using the Instagram account bearing the profile name "enriquefigueroatv" (the "Enriquefigueroatv Instagram Account"). The post depicts a military-style assault rifle and is reproduced below.¹ Accompanying the image is a caption translated from Spanish roughly as: "[Individual-1], we will see each other at the beginning of September (for those of you who do not know yet, I am a member of the Republic Intelligence service. Everything will be under control.)."

¹ The red highlighter marks appear in the screenshot as received by U.S. authorities. To date, U.S. law enforcement has been unable to view the original post, which appears to have been deleted. As set forth below, during a voluntary interview with law enforcement, FIGUEROA admitted that he had posted this photograph.



c. On or about September 7, 2021, FIGUEROA, using an Instagram account bearing the profile name "FE1874" (the "FE1874 Instagram Account"), shared a photograph of Individual-1. In a comment to the photograph, FIGUEROA posted text translated from Spanish roughly as: "You have 48 hours to bring him to me." Based on records provided by Facebook, I know that the FE1874 Instagram Account is subscribed in the name of "Enrique Figueroa."

Law Enforcement Interviews FIGUEROA

d. On or about September 11, 2021, FIGUEROA attempted to board a flight from John F. Kennedy Airport in Queens, New York, to Country-1. Airport officials denied FIGUEROA boarding because his passport was expired.

e. On or about September 17, 2021, FIGUEROA participated in a voluntary interview with law enforcement officers. During the interview, FIGUEROA stated, in substance and in part, that: (i) FIGUEROA had made public posts directed at Individual-1, including the photograph of the firearm discussed above; (ii) FIGUEROA understood that his posts could be perceived as threatening, but he did not intend to harm Individual-1; (iii) FIGUEROA made the posts in order to warn that others might harm Individual-1 if corruption continued in Country-1; (iv) FIGUEROA kept firearms in Country-1 but not in the United States; (v) FIGUEROA had been elected president of Country-1 but declined to serve in that position because he wanted to focus on fighting corruption; and (vi) FIGUEROA hoped that law enforcement would contact him because he believed that he was threatened for passing information to Country-1. FIGUEROA also had a small kitchen knife, which he surrendered to law enforcement.

**FIGUEROA Continues to Threaten
Individual-1 in New York**

f. Based on information publicly released by the government of Country-1, I know that on or about September 18, 2021, Individual-1 arrived in New York City in connection with the 76th Session of the United Nations General Assembly, scheduled to take place during the ensuing week.

g. On or about September 18, 2021, after Individual-1 arrived in New York City, FIGUEROA, using the Enriquefigueroatv Instagram Account, posted a photograph of Individual-1's motorcade in New York City. Accompanying the image was a caption translated from Spanish roughly as: "They have 24 hours to meet me otherwise he will be out of power in 30 days."

h. Also on or about September 18, 2021, after Individual-1 arrived in New York City, FIGUEROA, using the Enriquefigueroatv Instagram Account, posted a photograph of himself making a phone call. Accompanying the image was a caption translated from Spanish roughly as: "If you don't pick up my call, [Individual-1] will not leave the United States, you will then know who is crazy."

FIGUEROA Is Arrested

i. On or about September 19, 2021, law enforcement officers arrested FIGUEROA in Manhattan, New York. FIGUEROA waived his *Miranda* rights and agreed to speak with law enforcement in English. During the interview, which was recorded, FIGUEROA stated, in substance and in part, that (i) he did not post and had

not previously seen the September 18, 2021 posts on the Enriquefigueroatv Instagram Account described above; (ii) FIGUEROA did not operate the Enriquefigueroatv Instagram Account, which was used by a friend, who was a fan of FIGUEROA's; and (iii) an aide to Individual-1 was conspiring against FIGUEROA and preventing FIGUEROA from being the vice president of Country-1.

j. FIGUEROA also gave consent to search his two cellphones. One of the phones was logged into the Figueroa Facebook Account and the FE1874 Instagram Account. Neither phone was logged into the Enriquefigueroatv Instagram Account.

WHEREFORE, the deponent respectfully requests that ENRIQUE FIGUEROA, the defendant, be imprisoned, or bailed, as the case may be.

/s/ Marissa Mandala with permission
MARISSA MANDALA
Special Agent, United States
Secret Service and
Task Force Officer, Federal
Bureau of Investigation

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1, this
20th day of September 2021



JAMES L. COTT
United States Magistrate Judge